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| EXAMINER |
|---|
| VU, MICHAEL T |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *07 April 2009*.
2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-26* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1.    Applicant's arguments, see Remark, filed 04/07/2009, with respect to the

rejection(s) of claim(s) 1-26 under 103(a) have been fully considered and are

persuasive.  Therefore, the rejection has been withdrawn.  However, upon further

consideration, a new ground(s) of rejection is made in view of Luna (US 2002/0123335)

in view of Pfeffer (US 6,529,728).

### *Claim Rejections - 35 USC § 103*

2.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.    **Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

**Luna (US 2002/0123335) in view of Pfeffer (US 6,529,728).**

   **Regarding claims 1 and 9**, Luna teaches a method of supplying configuration

data (configured the mobile station to provide or make use of a new feature or service,

[0003]) to a mobile telephony device equipped with AT command management means

(Mobile Management Command, provisioned, [0022]), the method comprising: setting

up a connection between said device (established connection, (Figure #2, [0025] and a

terminal containing service configuration data (provision MS operates networks, [0003, 0025]) and after the setting up the connection exchanging service configuration data between the terminal (established connection, [0025]), and Provisioning can be defined as storing in a mobile station data that configures the mobile station to provide or make use of a new feature or service, [0003]) and

But Luna does not explicitly teach the device by means of selected AT commands that the AT command management means of said device are able to interpret.

However, Pfeffer teaches the device by means of selected AT commands (desired by the user or user entered/selected command, Col. 5, line 55 to Col. 6, line 17) that the AT command management means of said device are able to interpret, (desired by the user, entered command to modify the local information profile, Col. 5, line 55 to Col. 6, line 17), and (profile modification=interpret, Col. 3, lines 38-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Luna, with Pfeffer's teaching, in order to delivery the information desired by a user of the portable communication device for saving the use of minimum system overhead and transmission time and for saving cost, etc..

Regarding claim 2, Luna and Pfeffer teach the method according to claim 1, wherein data representative of a provisioning protocol is extracted from the device by means of selected AT commands (see downloader program that modify local information profile, Col. 3, lines 37-52) and then sent to the terminal so that said

terminal may exchange said configuration data with said device in accordance with said

provisioning protocol (downloader program, download the type of information that

**modify local information profile**, response the command, Col. 3, lines 37-52) all of

Pfeffer, (<u>Note</u>: Further Luna teaches the "Provisioning" can be defined as storing in a

mobile station data that configures the mobile station to provide or make use of a new

feature or service, [0003] of Luna).

**Regarding claim 3**, Luna and Pfeffer teach the method according to claim 1,

wherein said AT command management means extract said configuration data from the

AT commands received from the terminal in order to supply it to application means

requiring mobile Internet resources (see Provisioning Applications defines, [0003, 0021-

0023]) of Luna.

**Regarding claim 4**, the combination of Luna and Pfeffer teach the method

according to claim 3, wherein said application means are selected from the group

comprising browser means (Internet inherently included browser/XML language, [0003,

0021-0023]), and onboard Java application means onboard Multi Media Messaging

application means (Provisioning Messages included application, [0021-0023]) all of

Luna.

**Regarding claim 5**, the combination of Luna and Pfeffer teach the method

according to claim 3, wherein said configuration data is supplied to a provisioning agent

in said application means [0022-0023] of Luna.

**Regarding claim 6**, Luna and Pfeffer teach the method according to claim 1,

wherein at least certain of the configuration data stored in a memory of the device is

extracted in order to send it to said terminal (Col. 3, lines 37-52) and in that, on receipt

of said data, the device is sent AT commands for modifying certain data (downloader

program or download the type of information or downloader program that **modify local**

**information profile**, response the command, Col. 3, lines 37-52), after which the

modified data is stored in said memory (Col. 3, lines 37-52), and (Col. 5, line 55 to Col.

6, line 25) all of Pfeffer.

 **Regarding claim 7**, the combination of Luna and Pfeffer teach the method

according to claim 6, wherein at least certain of the configuration data stored in the

memory is extracted in order to send it to said terminal (downloader program that

**modify local information profile**, response the command, Col. 3, lines 37-52) and in

that, on receipt of said data, the device is sent AT commands representative of new

configuration data (Col. 5, line 55 to Col. 6, line 25), after which the new data is stored

in said memory (Col. 3, lines 37-52), and (Col. 5, line 55 to Col. 6, line 25) all of Pfeffer.

 **Regarding claim 8**, the combination of Luna and Pfeffer teach the method

according to claim 6, wherein at least certain of the configuration data stored in the

memory is extracted in order to send it to said terminal and in that, on receipt of said

data (downloader program that **modify/delete local information profile**, response the

command, Col. 3, lines 37-52), the device is sent AT commands for deleting certain

data from said memory (Col. 3, lines 37-52), and (Col. 5, line 55 to Col. 6, line 25) all of

Pfeffer.

 **Regarding claim 10**, Luna and Pfeffer teach the device according to claim 9,

wherein it comprises application means requiring mobile Internet resources connected

to said AT command management means and adapted to receive said configuration

data (see Provisioning Messages, and Provisioning Applications defines, [0003, 0021-

0023]) of Luna.

**Regarding claim 11**, the combination of Luna and Pfeffer teach the method

according to claim 3, wherein said application means are selected from the group

comprising browser means (Internet inherently included browser/XML language, [0003,

0021-0023]), onboard Java application means onboard Multi Media Messaging

application means (Provisioning Messages, [0021-0023]) all of Luna

**Regarding claim 12**, the combination of Luna and Pfeffer teach the device

according to claim 10, wherein said application means comprise a provisioning agent

adapted to manage the received configuration data [0021-0023] and the configuration

data to be sent to said terminal [0022-0023] all of Pfeffer.

**Regarding claim 13**, Luna and Pfeffer teach the device according to claim 9,

characterized in that it comprises a memory adapted to store said received data [0022-

0023] all of Luna.

**Regarding claim 14**, Luna and Pfeffer teach the data processing terminal

comprising a memory for storing service configuration data [0003, 0021-0025], and

provisioning means adapted to set up a connection with a mobile telephony device

according to claim 9 (see Provisioning Applications defines, [0003, 0021-0023]) and to

exchange service configuration data with said device by means of selected AT

commands which the AT command management means of said device are able to

interpret [0003, 0021-0023], (Note: Provisioning can be defined as storing in a mobile

station data that configures the mobile station to provide or make use of a new feature

or service, [0003]) all of Luna.

**Regarding claim 15**, the combination of Luna and Pfeffer teach the terminal

according to claim 14, wherein said provisioning means are adapted to send said device

selected AT commands requiring the supply of data representative of a provisioning

protocol in order to exchange said configuration data with said device in accordance

with said protocol (Note: Provisioning can be defined as storing in a mobile station data

that configures the mobile station to provide or make use of a new feature or service,

[0003, 0021-0023]) all of Luna.

**Regarding claim 16**, the combination of Luna and Pfeffer teach the terminal

according to claim 15, wherein said provisioning means are adapted to send said device

selected AT commands requiring the supply of at least certain of its configuration data

(Col. 3, lines 37-52) and, on receipt of said configuration data, to send said device AT

commands for modifying certain data (Col. 3, lines 37-52), and (Col. 5, line 55 to Col. 6,

line 25) all of Pfeffer.

**Regarding claim 17**, the combination of Luna and Pfeffer teach the terminal

according to claim 15, wherein said provisioning means are adapted to send said device

selected AT commands requiring the supply of at least certain of its configuration data

(downloader program that modify local information profile, response the command, Col.

3, lines 37-52) and, on receipt of said configuration data, to send said device AT

commands representative of new configuration data to be added to the other

configuration data that it contains (Col. 3, lines 37-52), and (Col. 5, line 55 to Col. 6, line

25) all of Pfeffer.

**Regarding claim 18**, the combination of Luna and Pfeffer teach the terminal

according to claim 15, wherein said provisioning means are adapted to send said device

selected AT commands requiring the supply of at least certain of its configuration data

(Col. 3, lines 37-52), (Col. 5, line 55 to Col. 6, line 25) and, on receipt of said

configuration data, to send said device AT commands for deleting certain of the

configuration data that it contains (downloader program that **modify local information**

**profile, response the command**, Col. 3, lines 37-52) all of Pfeffer.

**Regarding claim 19**, Luna and Pfeffer teach the method according to claim 1

wherein said connection is selected from the group consisting of a cable connection and

a radio connection [0003, 0021-0023] of Luna.

**Regarding claim 20**, the combination of Luna and Pfeffer teach the method

according to claim 19, wherein said radio connection is selected from the group

consisting of an infrared connection and a "Bluetooth" connection (see Short Range

Wireless Communication=infrared/Bluetooth connections, Col. 1, lines 14-26) of Pfeffer.

**Regarding claim 21**, Luna and Pfeffer teach the use of a method according to

claim 1 to configure application means operating in accordance with a protocol selected

from the WAP, HTTP, IP, GPRS, and CSD protocols (configured, [0021-0025]) of Luna.

**Regarding claim 22**, Luna and Pfeffer teach the method according to claim 1,

wherein the terminal comprises a human interface [0003, 0021-0023] of Luna.

Regarding claim 23, Luna and Pfeffer teach the method according to claim 1, wherein the configuration data configures an application module of the device to connect to a network infrastructure [0003, 0021-0023] of Luna.

Regarding claim 24, Luna and Pfeffer teach the method according to claim 1, wherein the terminal is different from an element of the network infrastructure [0003, 0021-0023] of Luna.

Regarding claim 25, Luna and Pfeffer teach the method according to claim 1, wherein the exchanging service configuration data between the terminal (downloader program, Col. 3, lines 37-52) and the device by means of selected AT commands comprises the terminal sending the device AT commands for at least one of reading (Col. 3, lines 37-52), modifying, deleting and adding to a profile stored in a memory in the device (See Command and **modify the local information profile**, Col. 3, lines 37-52), and (Col. 5, line 55 to Col. 6, line 25) all of Pfeffer.

Regarding claim 26, Luna and Pfeffer teach the method according to claim 1, wherein the exchanging service configuration data between the terminal (downloader program, or profile modification program, Col. 3, lines 37-52) and the device by means of selected AT commands comprises the terminal receiving at least one of configuration data defining new profiles for the device **or** updating profiles already stored in the terminal for the device, (See Command and **modify the local information profile**, Col. 3, lines 37-52) of Pfeiffer.

### *Conclusion*

4.     Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131.  The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.  Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.  For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T VU/
Examiner, Art Unit 2617